

DDI-310-1-4

Executive Registry

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OLC 74-2604
20 December 1974

MEMORANDUM FOR: Director of Central Intelligence
SUBJECT : S. 3418, "Privacy Act of 1974"

1. Attached, for your signature, is a proposed letter to OMB recommending that the President sign S. 3418, the "right of privacy bill." Also attached is an analysis of those sections of the bill which apply to CIA.
2. Basically, the bill grants an individual under certain conditions access to Government records concerning him for purposes of assuring accuracy and completeness. Also, agencies must establish procedures to assure the protection and control of such information. The information cannot be disseminated further except under certain conditions. The bill also establishes a two-year study commission which will review systems of personal records in Government and report its recommendations to the Congress.
3. CIA is exempt from those provisions requiring us to permit access to records, and from most of the other provisions of the bill. In exercising our exemption, we will have to comply with some of the requirements of rule-making in Government. This requires publishing our rules in the Federal Register and giving the public thirty days to submit comments in writing for Agency consideration before the rules become final.
4. We are required to establish procedures to assure the proper protection and control of personal information. Our present procedures should comply with little change. We also will have to publish in the Federal Register a general description of our system of records. Agency records (as are records of all agencies) have been made subject to inspection by the Privacy Protection Study Commission, a nonregulatory two-year study commission established by S. 3418, which must report to Congress.

We were exempt from a similar commission with regulatory powers in an earlier version of the bill. This new commission was part of the compromise which Senator Ervin insisted upon. Agency concern about the broad powers of the Commission are expressed in the attached letter to OMB, but we should be able to cooperate.

5. All things considered, we can live with the bill. Representatives from DDI, DDA, DDO, and OGC were included in coordination of an Agency position.



STAT

George L. Cary
Legislative Counsel

Attachments: As stated

Distribution:

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